IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 18400 of 2007(M)

PETITIONER:

P.V.JOY, PUTHENPURAYIL HOUSE,
KURISUPARA, VATTAYAR, IDUKKI DIST.

BY ADV. SRI.P.P.JACOB
SRI.N.T.SATHYAVAN

RESPONDENTS:

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1. THE DEPUTY DIRECTOR, DAIRY DEVELOPMENT DEPARTMENT, THODUPUZHA POST, IDUKKI DIST.

2. PALLIVASAL KSHEEROLPADAKA CO-OPERATIVE SOCIETY LTD. NO.1, 57(D0, KALLAR, VATTAYAR P.O., ADIMALI, REPRESENTED BY ITS ADMINISTRATOR.

*3.THE PART-TIME ADMINISTRATOR,
PALLIVASAL KSHEEROLPADAKA CO-OP. SOCIETY LTD I 57 (D),
KALLAR, VATTAYAR P.O., ADIMALY.

* ADDL. R3 IS IMPLEADED AS PER JUDGMENT DT. 19.7.2007

BY GOVERNMENT PLEADER SRI.P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18400 of 2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT-P1: TRUE PHOTOCOPY OF THE DISQUALIFICATION ORDER ISSUED BY THE 1ST RESPONDENT DATED 17.11.2006

EXT-P2: TRUE PHOTOCOPY OF THE DISQUALIFICATION ORDER ISSUED BY 1ST RESPONDENT DATED 29.12.2006

EXT-P3: TRUE PHOTOCOPY OF THE ORDER ISSUED BY 1ST RESPONDENT DATED 30.12.2006

EXT-P4: TRUE PHOTOCOPY OF JUDGMENT IN W.P (C) 48/07 DATED 16.3.2007

EXT-P5: TRUE PHOTOCOPY OF THE NOTICE ISSUED BY 1ST RESPONDENT DATED 19.4.2007

EXT-P6: TRUE PHOTOCOPY OF THE ORDER ISSUED BY 1ST RESPONDENT APPOINTING ADMINISTRATOR DATED 28.4.2007

/TRUE COPY/

K.M.JOSEPH,J.

W.P (C) No. 18400 of 2007

Dated this the 19th day of July, 2007

J U D G M E N T

The prayer in this writ petition is to direct the respondents to take necessary steps and decisions in order to appoint Returning Officer and to conduct the election to the Managing Committee of the 2nd respondent Society. The petitioner is a member of the Managing Committee of the 1st respondent Society. By Ext.P3, Administrator was appointed. By Ext.P4 judgment, this court set aside Ext.P21 order therein and directed the 2nd respondent and administrator in charge to hand over the charge of administration of the society to the Managing Committee, within two weeks from the date of receipt of a copy of this judgment. However, again committee was appointed vide Exhibit-P6 under Section 36 alleging lack of quorum. Perusal of Ext.P6 would show that the Administrator is appointed for a period of six months. Exhibit-P6 is dated 28.4.2007. Therefore the period would expire on 27.10.2007.

2. Heard the Learned Government Pleader also. Government Pleader submits that election will be held before

the expiry of the term mentioned in Exhibit-P6. The Part-time Administrator, Pallivasal Ksheerolpadaka Co-operative Society Ltd No.I 57 (D), Kallar, Vattayar P.O., Admimaly is impleaded as Additional 3rd respondent. Government Pleader appears for him. Government Pleader submits on instruction that election will be held before the expiry of the term of the Administrator under Exhibit-P6. The term of the Administrator will expire on 27.10.2007. The Additional 3rd respondent will take resolution in the last week of August, 2007 for the conduct of the election so that the elected committee can assume charge before the expiry of the term of the Administrator mentioned in Exhibit-P6. The Administrator-3rd respondent will remit the resolution to the 1st respondent so that the election can be conducted before the expiry of the term.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007